

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SUZANNE BOELTER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

HEARST COMMUNICATIONS, INC.,
Defendant.

Civil Action No. 1:15-cv-03934-AT-JLC

**FEDERAL RULE OF CIVIL PROCEDURE 5.1 NOTICE TO ALL PARTIES, THEIR
COUNSEL OF RECORD, AND THE ATTORNEY GENERAL OF THE
STATE OF MICHIGAN:**

Pursuant to Rule 5.1(a)(1) of the Federal Rules of Civil Procedure, Defendant Hearst Communications, Inc. (“Hearst”) submits this Notice regarding its constitutional challenge to the Michigan Video Rental Privacy Act, M.C.L. Section 445.1711 *et seq.*, which challenge is set forth in Hearst’s Motion to Dismiss in the above-captioned matter, ECF Nos. 17 & 18, filed August 17, 2015, as well as related papers.

The question raised by Hearst’s constitutional challenge is:

Whether Michigan’s Video Rental Privacy Act violates the First Amendment to the U.S. Constitution, both facially and as applied to Hearst, because it is an overbroad, impermissible content-based restriction on speech?

SERVICE ON THE MICHIGAN ATTORNEY GENERAL

Pursuant to Rule 5.1(a)(2) of the Federal Rules of Civil Procedure, copies of this Notice and the Complaint are being served on this date, November 2, 2015, by certified or registered mail on the Attorney General of the State of Michigan, at, G. Mennen Williams Building, 7th

Floor, 525 W. Ottawa St., P.O. Box 30212, Lansing, MI 48909, and by email to
miag@michigan.gov.

Dated: November 2, 2015

Respectfully submitted,

/s/ Jonathan Donnellan

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*Attorney for Defendant Hearst
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on November 2, 2015.

/s/ Jonathan Donnellan

Jonathan Donnellan